

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

As there appears to be some confusion about what is being claimed, amended claim 1 is reproduced below with reference numerals to make the invention clear.

1. A hypodermic syringe comprising:

a hollow body 1 adapted to hold a liquid and having an axially outwardly open end;

an inner cap 2 fitted over the body end 1a;

an axially extending needle 3 seated in the inner cap 2 and having an outer point 15 projecting axially outward from the inner cap 2 and an inner point 6 projecting axially inward from the inner cap 2 toward the body 1;

a washer 4 between the inner cap 2 and the body end 1a, having a central hole into which the inner point 6 of the needle 3 engages, and provided with a membrane 5 closing the hole and spaced axially inward from the inner point 6 and out of engagement with the needle 3;

an outer cap 8 fittable over the inner cap 2 and needle
3;
a clamp ring 9 engageable around the inner cap 2;
a frangible web 10 connecting the ring 9 to the outer cap
8; and

interengaging formations 9a, 2c, and 2d on the ring 9 and
on the inner cap 2 for releasably retaining the outer cap 8 in an
outer position (FIG. 3) spaced axially outward of the body 1 and in
which an interior of the outer cap 8 is open to the exterior and an
inner position (FIG. 4) spaced axially closely to the body 1 and in
which the interior of the outer cap 8 is not open to the exterior.

The Office Action is not fully understood, mainly with
regard to the interpretation of US patent 5,447,500 of
Bergstrasser. The labels on page 4 relate to structure that in no
way resembles what it is labeled as. For instance the word
"washer" is not used in Bergstrasser at all, and the structure
identified by the examiner as a washer is not identified anywhere;
it is pure supposition that it is a washer. Even if the structure
the examiner would have as a washer is one, there is no "membrane
... spaced axially inward from the inner point" since whatever the
indicated structure is, it is axially traversed by the needle 22
and at best is spaced axially outward from the needle inner point,
which is up in the drawing. In any case claim 1 has been amended
to describe the membrane now as "out of engagement with the

needle," so that even if the structure is what the examiner says it is, it is different from that defined in claim 1.

There is furthermore nothing in Bergstrasser to suggest formations defining two separate positions. Such positions are being assumed by the examiner. Indeed in Bergstrasser the structure identified as the inner cap moves jointly with the outer cap relative to the body to pierce the needle 22 through the membrane 18.

There is no basis in Bergstrasser for any rejection under §102 or §103. The structures identified by the examiner as equivalent to elements of the claims is different, bears a different relationship to the other structure, functions differently, or is simply not seen. The rejection is baseless.

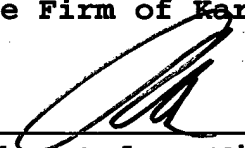
Since Bergstrasser clearly is irrelevant to the instant invention, the secondary reference is also meaningless.

The undersigned appreciates the list of 45 allegedly "pertinent" references but, since they are not applied and not cited in a PTO-892, will not go into them here.

For the above reasons all the claims in the case are clearly in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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29 December 2005
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Enclosure: None.